



**NATIONAL LOCAL
ADVOCACY ALLIANCE**

Banning Sale of Flavored Tobacco Products

Background

A ban on flavored tobacco products prevents retailers from selling products that have a “characterizing flavor.” Some flavor bans exempt tobacco, menthol, mint or wintergreen flavors. Other proposals prohibit the sale of menthol cigarettes, as well as mint and wintergreen smokeless tobacco products.

Flavored tobacco bans are often suggested as a way to reduce illegal underage usage or access to products.

Violations of a flavor ban may result in fines assessed to retailers and, for subsequent violations, may also include the suspension or revocation of the retailer’s license to sell cigarettes and tobacco products.

Arguments Against Banning Flavored Tobacco Products

Flavor bans do not reduce or eliminate overall sales of products to legal-age adults. They simply drive legal purchases to neighboring cities, online, or to unpoliced, illicit markets.

- Illicit market transactions provide no opportunity for underage compliance checks, potentially increasing illegal underage sales, experimentation, and use.

The availability of flavored tobacco products is not the reason why underage youth begin to use tobacco products.

- Scientific surveys show that peer group influence and the desire of youth not to be excluded from a peer group are the primary reasons why minors begin to use tobacco products.

Smokeless tobacco and pipe tobacco have been flavored for generations.

- Government surveys demonstrate that youth usage of these products is already low and declining.

The U.S. FDA is currently working on a comprehensive approach to all tobacco products, including flavored products. The agency has issued an advanced notice of proposed rulemaking (ANPRM) and has indicated they are working on potential regulations to discourage youth while still allowing adults to use flavored tobacco products.

Conclusion

Banning flavored products has not demonstrated a decrease in illegal, underage use of tobacco products. Purchasers, legal age or otherwise, are simply driven to neighboring communities, online, or to illicit markets.

Information Source: The National Association of Tobacco Outlets, Inc.